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Jesse Ross #1095756  
HOSP-P.O. Box 650  
Indian Springs N.V. 89070

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jesse ARON Ross,  
Plaintiff

CASE NO:  
2:17-cv-02386-APG-GWF

-VS-

BRIAN SANDOVAL et al.,  
Defendants

\* Motion For Sanctions  
directed at Jared M. Frost  
Per Fed. R. Civ. P, Rule # 11

Comes now above named Plaintiff appearing pro-  
se, To Respectfully move this Court to  
Sanction Defense counsel for making written  
misrepresentation of Facts in written Pleadings.  
This motion is based upon the papers and Pleadings  
on file, The Attached memo of Points and  
Authorities, and any oral argument permitted  
at the hearing of this matter.

Certificate of Service Attached  
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# 1 Memorandum of Points and Authorities

## 2 I. Preliminary Statement

3 Jared M. Frost (hereinafter "Frost"), defense counsel  
 4 in this case made misrepresentations of Facts  
 5 to this, on 12-11-17, in a pleading entitled  
 6 "Defendants opposition To Plaintiff's motion  
 7 for Preliminary injunction" (hereinafter "Def. opposition";  
 8 either intentionally or negligently, said prevarications  
 9 increasing the cost to Plaintiff in relation to this litigation.  
 10 These misrepresentations are rebutted by "Frost" own  
 11 pleadings. Plaintiff requests This Court sanction  
 12 "Frost" (see conclusion) and Award Plaintiff  
 13 reasonable costs for paper, pen, postage, and  
 14 8 hours pro BATA as Plaintiff is as of 11-7-17 a  
 15 certified paralegal from Blackstone a National Accredited  
 16 institution.

## 17 II. Table of Authorities

18 (A). Federal Rules of Civil Procedure; Rule 11

## 19 III Procedural history

20 (A). On 9-25-17 Plaintiff filed A First Amended complaint

21 (B) On 11-6-17 Plaintiff filed A motion for Preliminary injunction

22 (C) On 12-4-17 This court ordered the N.V.- Attorney general's  
 23 office to respond within 7 days.

24 (D) On 12-11-17, "Frost" entered a notice of Appearance and  
 25 "Def. opposition"

26 (E) On 12-20-17 Plaintiff filed in response to "Def. opposition"

27 (1) Plaintiff's written objections (2) Plaintiff Jesse Ross

28 Affidavit #1 and (3) "Plaintiff's reply To; defendants

1 OPPOSITION TO; Plaintiff's Motion For Preliminary  
2 Injunction".

3 (F) On 1-5-18 The court calendar the motion For Preliminary  
4 injunction for 1-31-18

5 (G) On 1-19-18 Plaintiff filed a motion to  
6 subpoena 2 witness/defendants

7 (H) On 1-22-18 The court granted the subpoenas,  
8 and ordered defendants Dr. Sanders and Dr. Aranas  
9 to appear on 1-31-18 (which Dr. Sanders did not).

10 (I) on 1-31-18 The court held A evidentiary hearing

11 (J) ON 2-1-18 Plaintiff Attempted to informally  
12 resolve The controversy surrounding this motion for  
13 Sanction, in writing with "Frost", who has to date  
14 completely ignored Plaintiff's Letter.

15

#### 16 IV Legal Standard

17 Federal Rules of Civil Procedure ("FRCP") rule

18 11(b) states: "By presenting to the court a pleading,  
19 written motion, or other paper - whether by signing, filing,  
20 submitting, or later advocating it - An Attorney or  
21 unrepresented party certifies that to the Best of the persons  
22 knowledge, information and belief, formed After an  
23 inquiry reasonable under the circumstances:

24 (FRCP 11(B)(1)) it is not being presented for any improper  
25 reason purpose, such as to harass, cause unnecessary  
26 delay, or needlessly increase the cost of litigation,  
27 and (FRCP 11-(B)(3)) The Factual contentions  
28 have evidentiary support or, if specifically so Identified

1 will likely have evidentiary support after a  
 2 reasonable opportunity for further investigation or  
 3 discovery."

4 FRCP 11 (c)(2) ("sanctions") state: A motion for  
 5 sanctions must be made separately from any other motion  
 6 and must specifically describe the specific conduct  
 7 that allegedly violates rule 11(b). The motion must be  
 8 served under Rule 5, — — — — — IF warranted  
 9 the court may award the prevailing party the reasonable  
 10 expenses, including Attorney's Fees, incurred in the  
 11 motion. FRCP Rule 11 (c) (4) states "Nature of  
 12 a sanction. A sanction under this rule must be limited  
 13 to what suffices to deter repetition of the conduct or  
 14 comparable conduct by others similarly situated. The  
 15 sanction may include non-monetary directives, an  
 16 order to pay a penalty to the court; or if imposed  
 17 on motion and warranted for effective deterrence, an  
 18 order directing payment to the movant of all or part  
 19 of all reasonable Attorneys Fees and other expenses  
 20 directly resulting from the violation.

## 21 IV. Legal Argument.

22 "Frost" A Senior Deputy Attorney general represents  
 23 the state, The state being the highest legal (and  
 24 Arguably) moral Authority in our society ought  
 25 to be held to the strict standards of the Rule  
 26 of Law, and when the state breaks the rules,  
 27 it ought to be held strictly accountable.

28 On 12-11-17 "Frost" submitted A signed

1 Pleading to this Court (ECF No. 12) titled "Defendants  
 2 opposition to Plaintiff's motion for preliminary injunction"  
 3 (Herein After "Def. opposition"). "Frost" submitted 7  
 4 Exhibits in support of his opposition (See Def. opposition  
 5 pg 6 Lines 2-8). ~~GA~~ in section 5 (page 4 of  
 6 7, Lines 20, 21 - of "Def. opposition") "Frost"  
 7 States "Plaintiff's immediate dental needs have been  
 8 addressed and his preliminary injunction should be  
 9 denied". This is A Gross-misrepresentation to the  
 10 Court.

11 Heres why.

12 "Frost" states: "However, Plaintiff asserts that as  
 13 of November 2 2017, he had not been seen by a  
 14 dental provider and that he has 7 to 10 cavities" --  
 15 (See "Def. opposition" page 3 Lines 9, 10, 11, ),  
 16 "Frost" Acknowledge that Plaintiff has multiple  
 17 cavities, and Acknowledges that Dr. Sanders  
 18 only treated one tooth (cf Def. opposition  
 19 pg 3 Lines 9, 10, 11 to pg 4 Lines 12-17).  
 20 Also see Def opposition EX 5 "Plaintiff's NOcc Dental  
 21 Chart", which is Not A Complete document, the court  
 22 ordered Frost on 1-31-18 to submit the entire record,  
 23 No doubt withheld to minimize Plaintiff serious dental  
 24 Needs.

25 Next, "Frost" stated: "Defendants stand ready  
 26 and willing to provide necessary dental care in  
 27 accordance with prism policies and practices and the  
 28 Court should therefore deny Plaintiff's motion

1 For the extraordinary remedy of injunctive relief"  
 2 (see Def. Opposition pg 5 Lines 1-3), also  
 3 see (Def. Opposition pages Lines 4-9) For  
 4 "Frost" signature. Today's date is 2-18-18,  
 5 and Plaintiff still has not received Full dental  
 6 care, so the Factual reality is that the  
 7 defendants do not stand ready and willing  
 8 to provide necessary dental care AS  
 9 "Frost" stated in Def. Opposition pg 5 lines  
 10 1-3. These False statements made by Frost  
 11 were objected to by Plaintiff Formally  
 12 (see Plaintiff's written objections #1, Filed  
 13 with this court on 12-20-17) objection #2 page  
 14 2 Lines 10-22, and objection #3 pg 2 Lines 23-28,  
 15 pg 3 Lines 3-25) And "Frost" Failed to  
 16 respond to said objections; Failure to rebutt  
 17 the objections constitutes Admission that  
 18 objections are meritorious, and ought to be sustained.

## 19 VI. Conclusion

20 The misrepresentations made to this court, by "Frost",  
 21 were made to Attempt to get this court to deny  
 22 Plaintiff's motion to get the minimal dental care that  
 23 Plaintiff ought to have Access to. The misrepresentations  
 24 have No Arguable Basis in the Facts. These  
 25 Prevarications were Presented to this court in  
 26 an Attempt by the State to "cause unnecessary  
 27 delay, and Needlessly increase the cost of litigation for the  
 28 Plaintiff (see FRCP Rule 11 (b)(1)), & 11(b)(3)).

1 "FRCP" Rule 11 creates an Affirmative duty on  
 2 "Frost" to conduct due diligence and ensure  
 3 that all representations made to this court are  
 4 factually accurate. "Frost" Failed, causing  
 5 Plaintiff to expend time and very scarce financial  
 6 resources (see ECF No. 6 Plaintiff's IFP), and  
 7 misled this court. There was a good Faith Attempt to  
 8 resolve this controversy with Frost on 2-1-18, which  
 9 he has completely ignored. Therefore Plaintiff  
 10 Requests the Following Sanctions:

11 Sanction (1) \$ 3,000 to be paid into the court per  
 12 FRCP 11 (c)(1).

13 Sanction (2) Actual costs to Plaintiff as follows,

14 ~~xxxx~~ "Plaintiff Jesse Ross Affidavit #1" 15 pages \$1.50;  
 15 Plaintiff's Reply 21 pages \$ 2.10; Plaintiff's written  
 16 objections 9 pages \$ .90; Motion for sanctions  
 17 24 pages \$2.40; Letter for informal resolution  
 18 2 pages \$ .20, each Document require triplication,  
 19 one copy to court one to opposition, one to  
 20 retain, And that postage of \$ 12.00 be Awarded,  
 21 For a total of \$ 19.10 in Actual cost be Awarded  
 22 per FRCP 11 (c) (2) \$ (4).

23 Sanction (3) Plaintiff Request Fees Also  
 24 be Awarded for Actual time expended for expenditure  
 25 of this motion 3 hours per FRCP 11 (c) (2) and  
 26 time expended directly resulting from the violation  
 27 3 hours FRCP Rule 11 (c) (4), Although Plaintiff  
 28 is Not A Licensed Attorney, Plaintiff is an



Certified paralegal, from Blackstone (Blackstone.edu),  
A Nationally Accredited institution, graduating  
with Honors, from A 2 year 4 month 915 clock hours  
course, (graduated on 11-7-2017.) Therefore Plaintiff  
believes 8 hours X \$ 30.00/hr is reasonable, for  
A total of \$ 240.00 For time expenditures.

Plaintiff Requests the court order Frost to pay \$3000  
to the court, and A Grand total of \$259.10 in expenses  
to Plaintiff Forthwith, if "Frost" withdraws or corrects  
said misrepresentations, that the court enter A sanction  
For 1/2 of the above requested sanctions.

Respectfully submitted

I Jesse Aron Ross declare ~~Jesse F Ross~~  
under penalty of perjury under the Laws of the  
United States of America (Per 28 USC §1746)  
That the foregoing is true and correct to the Best  
of my personal Knowledge.

Signed On 2-18-18

Clark County Nevada

X ~~Jesse F Ross~~

Jesse Ross #1095756

HPSP P.O. Box 650

Indian Springs

N.V. 89070

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Jesse Aaron Russ, declare:

I am over 18 years of age and a party to this action. I am a resident of High Desert  
State Prison Prison,  
in the county of CLACK, NEVADA

My prison address is: P.O. Box 650  
Indian Springs NV. 89070

On 2-19-18 (DATE)

I served the attached: Motion for Sanctions directed at  
Jared M. Frost Per Fed. R. Civ. P. Rule #11  
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Jared M. Frost - DAG - NV - AGO  
555 East Washington Ave #3900 Las Vegas NV. 89101

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 2-19-18  
(DATE)

Jesse F Russ  
(DECLARANT'S SIGNATURE)



Jesse Aron Ross  
1095756  
High Desert State Prison  
PO Box 650  
Indian Springs, NV 89070-0650

U.S. DISTRICT COURT  
NV 800  
22 FEB '18  
PM 3 L

Hasler

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ZIP 89101  
DATE 02/23/18

Clerk

U.S. District Court, District of Nevada  
Lloyd D. George U.S. Courthouse  
333 Las Vegas blv. SO. Rm 1334  
Las Vegas N.V. 89101

Legal mail

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